APPENDIX I.

[Vide answer to starred question No. 331 asked by Sri A. Govindasamy at the meeting of the Legislative Assembly held on 14th February 1959, page 338 supra.]

The number of unemployed registered with the Employment Offices in Madras State as on 30th November 1958 according to qualifications is given below :—

M.Sc.	6
M.A.	225
B.Sc.	540
B.A.	1,266
Intermediate (Arts/Science) ..	1,591
S.S.L.C.	27,121
Matriculates	68
V Form	13,560
IV Form	4,017
III Form	8,003
Total ..	56 397

APPENDIX II.

[Vide answer to clause (a) of starred question No. 350 asked by Sri S. Lazar at the meeting of the Legislative Assembly held on 14th February 1959, page 351 supra.]

	1955–56	1956–57.	1957–58.	
(i) Scheduled Castes and Tribes ..	25	31	I M.B B.S.	41
			Pre-medical course.	22
(ii) No separate reservation is made for candidates belonging to the most Backward Classes.				
(iii) Backward classes	76	143	I M.B.B S.	75
			Pre-medical.	88
(iv) Other classes	209	141	I M.B.B S.	229
			Pre-medical.	235

APPENDIX III.

[Vide answer to starred question No. 353 asked by Sri K. Sattanatha Karayalar at the meeting of the Legislative Assembly held on 14th February 1959, page 352 supra.]

INDIAN LABOUR CONFERENCE.

(16th Session, Nainital, 19th-20th May 1958.)

MAIN CONCLUSIONS ON THE DIFFERENT ITEMS IN THE AGENDA.

Item 1—Action taken on the decisions of the 15th Session of the Indian Labour Conference.—The statement of action taken on the decisions of the previous Session was noted.

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Item 2—Industrial relations—(i) *Suspension of adjudication.*—The consensus of opinion was that the time was not appropriate for the suspension of adjudication for the settlement of industrial disputes though adjudication would be the last resort in the process.

(ii) *Works Committees.*—The present position should be more fully examined.

(iii) *Grievance procedure.*—The guiding principles for a grievance procedure drafted by the Sub-Committee of the Indian Labour Conference (15th Session) were approved. The Sub-Committee should be requested to draft a simple and flexible grievance procedure in accordance with these principles.

(iv) *Steps to make the work of evaluation and implementation more effective.*—The proposals made in the memorandum on item 6. copy in Appendix I and the procedure outlined in the supplementary memorandum on the subject were approved.

(v) *Steps to be taken to mitigate the evils of trade union rivalry.*—This was discussed separately in a meeting of representatives of the different Central Organizations of workers and a Code of Conduct was adopted at this meeting.

(vi) *Registration of trade unions.*—(*a*) A trade union should prescribe a minimum membership fee of 4 annas a month and the Registrar of Trade Unions or his nominee should be given the power to inspect the books of the union.

(*b*) Delay in the registration of trade unions should be avoided.

(*c*) If out of the seven signatories to an application for registration, one or two got discharged during the pendency of the application and if the signatories were entitled to apply for registration at the time of the application, registration should not be refused on the ground that they had since ceased to be workers.

(vii) *Recognition of trade unions and verification of membership.*—It was agreed that certain conventions should be evolved for the voluntary recognition of trade unions by employers. The criteria agreed to for such recognition were as follows :—

(*a*) Where there was more than one union, a union claiming recognition should have been functioning for at least one year after registration.

Where there was only one union, this condition would not apply.

(*b*) The membership of the union should cover at least 15 per cent of the workers in the establishment concerned. Membership would be counted only of those who had paid their subscriptions for at least three months during the period of six months immediately preceding the reckoning.

(*c*) A union might claim to be recognized as a representative union for an industry in a local area if it had a membership of at least 25 per cent of the workers of that industry in that area.

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(*d*) When a union has been recognized, there should be no change in its position for a period of two years.

(*e*) Where there were several unions in an industry or establishment, the one with the largest membership should be recognized.

(*f*) A representative union for an industry in an area should have the right to represent the workers in all the establishments in the industry, but if a union of workers in a particular establishment had a membership of 50 per cent or more of the workers of that establishment, it should have the right to deal with matters of purely local interest, such as, for instance, the handling of grievances pertaining to its own members. All other workers who were not members of that union might either operate through the representative union for the industry or seek redress directly.

(*g*) As regards the procedure for verification of the strengths of unions, the suggestions contained in paragraph 16 of the Memorandum on Industrial Relations were approved.

It was further agreed that the verification procedure for the determination of the representative character of a union should be made more adequate. Where the results of verification by the departmental machinery were not accepted by the parties, a committee composed of the representatives of all central trade union organizations should go into the question and resolve the dispute. For this purpose, the central trade union organizations, which could act as a standing machinery, would provide the necessary panels of persons for different localities. If this machinery failed, the question should be left to the decision of an agreed independent agency or a tribunal. The State Governments also should evolve similar procedures concerning industries within their sphere.

(*h*) In the case of trade union federations which were not affiliated to any of the four central organizations of labour, the question of recognition would have to be dealt with separately.

(*i*) Only unions which observed the Code of Discipline would be entitled to recognition and the procedure for recognition should form a part of the Code of Discipline.

(viii) *Union shop and check-off.*—The proposals for the introduction, of union shop and check-off were rejected. It was, however, agreed that a recognized union should be entitled to collect membership fees every month within the premises of the undertaking.

Item 3—Working of the Employees' State Insurance Scheme—(i) *Share of the State Governments towards the cost of medical benefits on extension of medical care to the families of insured persons.*—The State Government's share, on extension of medical care to the families, should be one-eighth of the total expenditure during the Second Five-Year Plan period. The position should be reviewed sufficiently in advance of the expiry of this period. No revision should be effective unless mutually agreed upon.

(ii) *System of medical care.*—The State Government concerned might adopt any system (service, panel or mixed) which they considered most feasible, keeping in view the conditions in a particular area and in consultation with the workers' organizations.

(iii) *Capitation fee to be paid to panel doctors.*—It would be desirable for the Employees' State Insurance Corporation to approach the medical profession through the State Government concerned and not directly.

(iv) *Arrangements for confinement of maternity cases.*—A sum of Rs. 30 per confinement case should be paid to the wives of insured persons, on extension of medical care to the families.

(v) *Improvements in cash benefit.*—Further improvements in the quantum of cash benefits might not be made till such time as the Scheme was extended to the present coverable population in the country and families included within its scope. Some improvement in the rate of maternity cash benefit was, however, necessary under the Employees' State Insurance Act as under some State Maternity Acts the rates were higher. Persons suffering from T.B. might also be given special consideration in this respect.

(vi) *Waiting period.*—The question of revision of the waiting period should be examined, keeping in view the comparable provisions in the English law.

(vii) *Covering families of insured persons.*—The families of insured persons should be covered for medical care and treatment. Hospitalization should also be provided for them as soon as possible.

(viii) *Raising employers' contribution.*—To enable the proposals mentioned above being implemented, the employers' contribution should be raised to 4¾ per cent as already provided for in the law.

(ix) *Integration of administration.*—The administration of the Employees' State Insurance Scheme and of the Employees' Provident Funds Scheme should be integrated.

(x) *Raising of Provident Fund contribution.*—Contributions to the Provident Fund should be increased from 6¼ per cent to 8⅓ per cent.

(xi) *Pension.*—The proposal to convert the Provident Fund Scheme into an Old-age and/or Survivorship Pension (for widows and children) scheme should be further examined provided that this could be worked within the limit of 16⅔ per cent of wages recovered by way of contributions from employers and workers covered by the Employees' Provident Funds Act.

(xii) *Extension of the scheme to establishments having twenty employees or more.*—The present employment limit of fifty persons or more prescribed under sub-section (3) of section 1 of

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the Employees' Provident Funds Act, 1952, should be reduced to twenty persons or more. Employees in commercial establishments should also be covered.

NOTE 1.—With regard to (vii) above, the representatives of the workers' organizations urged that separate hospitals should be provided for insured persons and the employers' representatives were of the view that medical care and treatment should be extended to the families of insured persons only after the Employees' State Insurance Scheme had been extended to insurable persons in coverable areas.

NOTE 2.—The employers' representatives reserved their position with regard to item (viii) to (xii) above as they felt the need for consulting their constituents before making any commitment in this regard. They agreed to forward their comments and suggestions on these items by the end of June 1958. It was agreed that, if possible, the employers' representatives would be consulted before further action was taken on these matters.

Item 4—Amendments to the Industrial Disputes Act, 1947—(i) *Appointment of District Judges on Tribunals.*—(*a*) The proposed amendment to section 7-A (3) of the Industrial Disputes Act. 1947, to enable the appointment of serving or retired District Judges as Presiding Officers of Industrial Tribunals was approved.

(*b*) The employers' representatives agreed to the appointment of District Judges on Tribunals on the understanding that the whole position would be reviewed after a period of two years.

(*c*) It was also desired that an assurance should be taken from District Judges appointed to Tribunals that they would not practise before the same Tribunal after retirement from it.

(*d*) While amending the Act for this purpose, note should be taken of the provisions in the U.P. Industrial Relations Act in this regard.

(ii) *Exemption of hospital staff.*—Regarding the suggestion of the West Bengal Government that the staff of hospitals, etc., should be excluded from the purview of the Industrial Disputes Act, the consensus of opinion was that a convention should be established whereby the staff would not go on strike provided that an effective machinery for the speedy redress of their grievances was set up by the employer.

(iii) *Proposal from the Indian National Mine Workers' Federation.*—The amendment to sub-section (3) of section 24 of the Industrial Disputes Act, 1947, proposed by the Indian National Mine Workers' Federation was discussed and it was agreed that the suggestions made might be examined by Government.

Item 5—Subsidized Industrial Housing Scheme.—(i) The employers' representatives undertook to push on with the construction of houses for their workers on a voluntary basis. With a view to encouraging the employers to discharge their responsibility towards their workers in respect of housing, the following measures were recommended :—

(*a*) the present quantum of loan to employers under the Scheme be raised from 37½ per cent to 50 per cent, the quantum of the subsidy, viz., 25 per cent remaining unchanged;

(b) the rules for the allotment of tenements should be left to the employer to be finalized in consultation with the workers of his establishment, subject to certain broad principles being laid down by Government; and

(c) the matter of giving some income-tax relief to employers who built houses for their workers should be examined by Government in greater detail.

(ii) If State Governments found that industrial housing was not making progress for want of developed building land, they should spend as much of their allocation under the Subsidized Industrial Housing Scheme as was needed for the acquisition and development of land. This land could be utilized by them or sold at a no-profit no-loss basis to employers for the purpose of putting up houses for their workers.

NOTE.—It was explained that the proposals for raising the quantum of loan assistance and granting income-tax relief were only suggestions which had been approved by the Labour Ministers' Conference and that they had yet to be considered by the Government of India.

Item 6—*Evaluation and implementation of labour enactments, awards, settlements, agreements, etc.*—The proposals contained in the Memorandum on the subject and the procedure outlined in the supplementary memorandum were approved.

Item 7—*Notes for information on productivity workers' education, etc.*—The conference took note of the information given in the Notes on these subjects.

Item 8—*Closure of units and unemployment*—(i) *Plantations.*—Suitable steps should be taken by the Central and the State Governments after examining the recommendations of the Plantations Inquiry Commission, the Industrial Committee on Plantations and in consultation with the Tea Board.

(ii) *Cotton Textiles.*—(a) There were a dozen and more units which had been closed for a number of years. These were beyond the economic possibility of reopening. Where the Government was convinced on expert advice that these old units could not be run, the granting of licences for new units of equivalent capacity should be considered in the same place if parties were willing to seek such licences.

(b) For the other closed mills or for units which had given notice of closure, an Expert Committee should be appointed to examine each individual unit and make recommendations for suitable remedial action to restore normal working.

(c) The present difficulties were confined to coarse and medium count mills. Steps might be taken to make available, if possible, long staple cotton to these mills as a special relief measure to enable them to produce finer cloth.

(d) When adequate additional securities were available, scheduled banks including the State Bank of India should be requested to reduce the margin required by them for the advance

of working capital. This recommendation should be only of a temporary character till the heavy stocks with the Unit were disposed of.

(e) Rehabilitation and modernization through the National Industrial Development Corporation might be expenditure. In all cases of modernization, however, the recommendations of the 15th Session of the Indian Labour Conference on rationalization should be kept in mind.

(f) For such units where the working was found uneconomic the grant of licence for the necessary balancing equipment either in spindles or in looms or in preparatory equipment might be favourably considered by Government after examination of the unit concerned.

(g) In Kanpur and Indore where the situation was more difficult, special Expert Committees might be appointed to enquire into the existing conditions of units located there and to suggest remedial action.

(h) Any steps that might be taken to remedy the situation in cotton textile industry should also take into account the position of the handloom industry and of exclusive spinning units.

(i) Liberal exports of yarn, particularly on the basis of O.G.L. might be considered to help the spinning units in the country.

(iii) *Jute.*—(a) In the case of jute textiles outside West Bengal, the transfer of the working of looms from one unit to the other should be effected only after the prior permission was accorded for such transfer by the Government concerned.

(b) The Conference took note of the diversification of jute products which was already taking place and recommended that efforts in this direction should be further intensified.

(c) Possibilities of further action should be explored at a meeting of the Industrial Committee on Jute to be convened in Calcutta at an early date.

(iv) *Engineering.*—The Conference drew the attention of the Government to the acute shortage of steel and imported raw materials for all industries—big, small and medium—and urged that unless immediate steps were taken by Government in this regard, a large number of full or partial closure would take place in this importance sector of the national economy.

(v) *General.*—(a) The Standing Orders might be so amended that no shift working should be closed without two months' notice and that no total closure should take place without three months' notice to the workers as well as to the Government. However, in the case of units of the Engineering Industry, the period could be reduced in individual cases, if the State Government concerned was satisfied that because of the circumstances of any particular unit, a shorter period of notice, not less than the existing statutory period of one month, was adequate.

(b) Lacunae in the present provision for the lay-off compensation whereby labour could be denied compensation by working nominally for some days in a week after 45 days lay-off to avoid payment of compensation should be immediately remedied. In the meantime, such practices should not be resorted to.

(c) Liquidation proceedings took an unconsciously long time. Where Government was convinced on competent advice that a mill, company or a unit could not be worked unless ownership was changed, some measures—legal, if necessary—might be devised for an early completion of the liquidation proceedings or the sale by transfer or open auction of such property even before liquidation so that the new party would restart working of such units. In the interim, the Government should, as far as possible, work the mill as a measure of unemployment relief with such conditions as agreed to between Government as an employer and the workers concerned. In such cases, steps should be taken to overcome the difficulties caused by the normal financial procedures of Government.

(d) The Government of India should consider favourably any request coming from the State Governments for enquiries under the Industries (Development and Regulation) Act and in conducting such enquiries should associate the concerned State Governments if it is so desired.

APPENDIX I.

INDIAN LABOUR CONFERENCE.

(16th Session, May 1958.)

MEMORANDUM.

Item No. 6 on the Agenda—" Evaluation and implementation of labour enactments, awards, settlements, agreements, etc.".—The question of evaluating the implementation of labour laws, awards, agreements and settlements was considered by the Standing Labour Committee at its 16th Session held in October 1957. In pursuance of the recommendations of this Committee, the Government of India have set up an Evaluation and Implementation Division in the Ministry of Labour and Employment to assess the extent of non-implementation of Labour laws, awards, etc., and to evaluate the results achieved by such measures. The State Governments have also been requested to set up similar machinery. According to the information received so far, the Government of West Bengal have finalized proposals for an Evaluation Committee in their State. They have also set up a small Evaluation and Implementation Cell to examine cases of non-implementation, etc. Other State Governments are considering the proposal.

2. With a view to assessing the extend of non-implementation of awards, etc., and to have a full appraisal of the problem, the Evaluation and Implementation Division in the Ministry of Labour and Employment, issued circular letters, in January 1958 to all State Governments and all-India organizations of employers and workers